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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,917	03/30/2001	Mark D. Smith	10003320-1	7692

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AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
P.O. BOX 7599
M/S DL429
LOVELAND, CO 80537-0599

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,917

Applicant(s)

SMITH ET AL.

Examiner

Dohm Chankong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/25/2002
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2154

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C 103(a) as being unpatentable over Weinberg et al ("Weinberg"), U.S Patent No. 6,360,332 in view of Gerace, U.S Patent No. 5,848,396.

4. As to claim 1, Weinberg discloses a software product for a computer system to configure a transaction for a user operating a web browser wherein the transaction is used for automated testing of an Internet server system (abstract), the software product comprising:

transaction configuration instructions configured to direct a processor to generate and transfer Hypertext Markup Language (HTML) pages without cookies to the web browser and to configure the transaction for automated testing of the Internet server system in response to user inputs to the HTML pages (column 2, lines 26-64), wherein the HTML pages include a transaction selection page (column 2, lines 44-46), a transaction record page (column 2, lines 37-40), a transaction edit page (column 2, lines 57-64), and a transaction play page (column 2, lines 35-39);

Art Unit: 2154

page transition instructions configured to direct the processor to transition between the pages in response to the user inputs and to constrain the transition between the pages based on transition state rules (Figure 1, column 5, lines 22-51; the user is constrained to go from the record page to the verify page to the edit transaction page);

a storage media configured to store the page transition instructions and the transaction configuration instructions (column 22, lines 15-19).

Weinberg does disclose a user logon page (column 8, lines 24-26) but does explicitly show that the page is an HTML page.

5. Gerace teaches the use of a HTML user login page as a means to verify users' identity before they access or select their transactions (column 15, lines 48-61). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Weinberg by including a user login page because Weinberg suggests the use of a logon page to track users across multiple servers (column 8, lines 24-26). One of ordinary skill in the art would have been motivated to modify Weinberg by including Mohan's user login page because doing so would allow Weinberg to display useful graphical and text documents to the user and to associate user actions with the appropriate user account (column 2, lines 3-15).

6. As to claim 2, Weinberg discloses the software product wherein:
the transaction record page allows the user to use the web browser to initiate a

Art Unit: 2154

recording of web browser activity to generate the transaction (column 2, lines 60-61 and column 9, lines 9-11);

the transaction edit page allows the user to use the web browser to edit the transaction generated using the transaction record page (column 2, lines 46-56 and 62-64); and

the transaction play page allows the user to use the web browser to view results of an automated test using the transaction generated using the transaction record page and edited using the transaction edit page (column 2, lines 35-40).

7. As to claim 3, Weinberg discloses the software product wherein the transaction selection page identifies the transaction, a transaction step and a Uniform Resource Locator for the transaction step (column 6, lines 1-14 and column 9, lines 25-50).

8. As to claim 4, Weinberg discloses the software product wherein the transaction record page identifies the transaction, the transaction step, and the Uniform Resource Locator for the transaction step, and displays the web page of the Uniform Resource Locator (column 16, line 54 to column 17, line 1, and lines 28-34).

9. As to claim 5, Weinberg discloses the software product wherein the transaction edit page identifies the transaction, the transaction steps, the Uniform Resource Locator for each of the transaction steps, and test conditions for each of the Uniform Resource Locators (column 16, lines 54 to column 17, line 1, lines 28-34 and column 18, lines 39-51; where the transaction record page in Weinberg is also the transaction edit page).

Art Unit: 2154

10. As to claim 6, Weinberg discloses the software product wherein the play page identifies the transaction, the transaction steps, and test results for each of the transaction steps (column 2, lines 35-40 and column 3, lines 30-43).
11. As to claim 7, Weinberg discloses the software product wherein the transaction is a purchase from the Internet server system (column 5, lines 7-10).
12. As to claim 8, Weinberg discloses the software product wherein the transition state rules constrain the transition between the pages to transition from the transition selection page to a transition record page in response to a selection page record request, transition from the transition record page to the transaction edit page in response to a record page stop request, transition from the transaction edit page to the transaction play page in response to an edit page play request, and transition from the transaction play page to the transaction edit page in response to a play page stop request (Figure 1 and column 2, lines 23-39 and column 2, lines 57-64; transaction, record step, verification/edit step, "play back" step and ability to run multiple iterations after the play back is complete with other sets of data).
13. As to claim 9, Weinberg discloses the software product wherein the transition state rules constrain transition from the transition selection page to the transaction edit page in response to a selection page edit request (Figure 6A, items 602 and 606; run configuration edits the transaction testing parameters).

Art Unit: 2154

Weinberg does not explicitly show the product with a user login page, or to transition from the user login page to the transaction selection page in response to an authorized login.

14. Gerace teaches a software product wherein the transition state rules constrain the transition between the pages to start at the user login page and transition from the user login page to the transaction selection page in response to an authorized login (column 14, lines 45-61 and column 15, lines 50-65; where the user actions are equivalent to the transaction selection page). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the state transition rules to start at the user login page and to transition to the transaction selection page to allow the product to initialize tracking of user transactions upon logging into the system (column 5, lines 1-5).

15. As to claim 10, Weinberg discloses the software product wherein the transition state rules constrain the transition between the pages to transition from the transaction selection page to a transaction play page in response to a selection page play request (Figure 6C, items 602 and 614 and column 21, lines 15-20), transition from the transaction edit page to the transaction record page in response to an edit page record request (column 2, lines 30-32 and column 5, lines 26-31), transition from the transaction edit page to the transaction selection page in response to an edit page stop request (Figure 1, items 104 and 108; each time the user stops editing, the user is sent back to start with the new business process), and transition from the transaction play page to the transaction selection page in response to the play page stop request (column 21, lines 10-29; where the user editing the data files is equivalent to the

Art Unit: 2154

transaction selection page) and the transition from the transaction selection page to the transaction play page (Figure 6c, items 602 and 614 and column 21, lines 15-20).

Weinberg does not explicitly show a software product with a transition from the transition selection page to the user login page in response to a selection page stop request.

16. Gerace discloses s software product with a transition from a transition selection page to the user login page (column 13, lines 50-54 and column 14, lines 17-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Gerace's transition rules to sent the user to a login page to allow existing users to sign into their account and access their saved transactions.

17. As to claim 11, Weinberg discloses a method of operating a computer system to configure a transaction for a user operating a web browser wherein the transaction is used for automated testing of an Internet server system (abstract), the method comprising:

generating Hypertext Markup Language (HTML) pages including a transaction selection page, a transaction record page, a transaction edit page, and a transaction play page (column 2, lines 26-64) ;

transferring the HTML pages to the web browser without transferring cookies and constraining transitions between the HTML pages that are transferred based on transition state rules (Figure 1, column 2, lines 26-30, column 17, lines 28-34; where web-based implementation and pages are equivalent to HTML pages);

Art Unit: 2154

receiving the user inputs to the HTML pages and configuring the transaction for automated testing of the Internet server system in response to the user inputs (column 2, lines 41-64).

Weinberg does disclose a user logon page (column 8, lines 24-26) but does explicitly show that the the page is an HTML page.

18. Gerace teaches the use of a HTML user login page as a means to verify users' identity before they access or select their transactions (column 15, lines 48-61). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Weinberg by including a user login page because Weinberg suggests the use of a logon page to track users across multiple servers (column 8, lines 24-26). One of ordinary skill in the art would have been motivated to modify Weinberg by including Mohan's user login page because doing so would allow Weinberg to display useful graphical and text documents to the user and to associate user actions with the appropriate user account (column 2, lines 3-15).

19. Claim 12 is a method that claims the steps performed by the software product of claim 2. Therefore, claim 12 is rejected for the same reasons as set forth in above paragraph 6, for claim 2, *supra*.

Art Unit: 2154

20. Claim 13 is a method that claims the step performed by the software product of claim

3. Therefore, claim 13 is rejected for the same reasons as set forth in above paragraph 7, for claim 3, supra.

21. Claim 14 is a method that claims the step performed by the software product of claim

4. Therefore, claim 14 is rejected for the same reasons as set forth in above paragraph 8, for claim 4, supra.

22. Claim 15 is a method that claims the steps performed by the software product of claim

5. Therefore, claim 12 is rejected for the same reasons as set forth in above paragraph 9, for claim 5, supra.

23. Claim 16 is a method that claims the steps performed by the software product of claim

6. Therefore, claim 16 is rejected for the same reasons as set forth in above paragraph 10, for claim 6, supra.

24. Claim 17 is a method that claims the steps performed by the software product of claim

7. Therefore, claim 17 is rejected for the same reasons as set forth in above paragraph 11, for claim 7, supra.

Art Unit: 2154

25. Claim 18 is a method that claims the steps performed by the software product of claim

8. Therefore, claim 18 is rejected for the same reasons as set forth in above paragraph 12, for claim 8, supra.

26. Claim 19 is a method that claims the steps performed by the software product of claim

9. Therefore, claim 19 is rejected for the same reasons as set forth in above paragraphs 13 and 14, for claim 9, supra.

27. Claim 20 is a method that claims the steps performed by the software product of claim

10. Therefore, claim 20 is rejected for the same reasons as set forth in above paragraphs 15 and 16, for claim 10, supra.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in regards to automated testing using recorded client interactions:

U.S Patent No. 6.044.389 to Marullo et al;

U.S Patent No. 6.278.966 to Howard et al;

U.S Patent No. 6.393.479 to Glommen et al;

U.S Patent No. 6.418.544 to Nesbitt et al;

U.S Patent No. 6.449.739 to Landan;

Art Unit: 2154

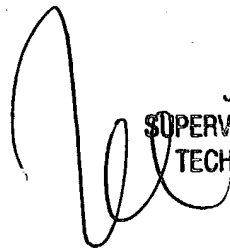
U.S Patent No. 6,654,699 to Millard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100